

REMARKS

Applicants thank the Examiner for the Office Action of December 2, 2008. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Claims 12-22 are pending in this application.

Allowable Subject Matter

Applicants thank the Examiner for allowed claims 12-15.

Claim Rejections Under 35 U.S.C. § 102

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Whitlock, et al. (USPN 4,806,171). Applicant respectfully traverses because Whitlock fails to disclose, teach or suggest all of the limitations of claim 16, including a T-piece having an upper end connected to an outlet of the variable flow expansion valve, a lower end connected to the injector, and a side connected to the device adapted to supply said valve with liquid carbon dioxide.

To the extent that Whitlock addresses the limitations of the T-piece, the Examiner points to nitrogen gas receiving port 40 and annular channel 42 defined by walls 44. Given the Examiner's position, in order to satisfy the recited T-piece elements, the port 40 would have to correspond to the T-piece side, and the open (right-hand in the Figure) and closed end (left-hand in the Figure) of channel 42 would have to correspond to the upper or lower ends of the T-piece. The Examiner has taken the position that the injection spout 18 corresponds to the recited injector and the needle valve 28 corresponds to the recited variable flow expansion valve. In such a configuration, it is evident that neither the open nor the closed end of the channel 42 is connected to an outlet of the needle valve 28. Thus, the device of Whitlock fails to disclose the recited arrangement of elements.

As such, the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103:

Claims 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitlock, et al. (USPN 4,806,171). Applicant respectfully traverses because Whitlock fails to disclose, teach, or suggest all of the limitations of the claims as discussed above. Thus, the rejection should be withdrawn.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, the Examiner is invited to call the undersigned attorney at the number listed below.

A Petition for One Month Extension of Time has been contemporaneously submitted with this Amendment. Otherwise, it is believed that no other fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

Date: **April 2, 2009**

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